

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AT&T MOBILITY LLC,

Plaintiff,

v.

MARC SAPATIN, SAPATIN NGUYEN
ENTERPRISES, INC., SAPATIN
ENTERPRISES, INC., NGUYEN LAM,
KYRA EVANS, PRASHANT VIRI,
SWIFT UNLOCKS, INC. and JOHN DOES
1-50, United States individuals and entities,

Defendants.

No. 2:15-cv-01462-JNW

**ORDER GRANTING MOTION TO
EXTEND STAY**

NOTING DATE:
DECEMBER 13, 2023

This matter came on for hearing upon the Joint Motion to Extend Stay submitted by the parties.

Having considered the motion, the Court continues the current stay of the case, subject to the following conditions:

a. AT&T may only seek relief from the stay or case closure as to a currently named Defendant if restitution is not adjudicated in the related criminal proceedings referenced above. AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the Complaint to name additional defendants, however, shall not be restricted by this Order.

1 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant
2 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request
3 restitution against that Defendant.

4 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)
5 days after AT&T is notified that a guilty plea has been entered that affords AT&T the
6 opportunity to request restitution against that particular Defendant and a sentence against that
7 particular Defendant has been entered.

8 d. If a related criminal proceeding has not yet resulted in the adjudication of
9 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the
10 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval
11 by the Court, under the same terms as set forth herein.

12 e. AT&T shall not pursue claims against a remaining Defendant unless AT&T is
13 denied the opportunity to request restitution in that Defendant's criminal case.

14 f. AT&T's dissatisfaction with the amount of restitution awarded against a
15 particular Defendant, or a criminal court's decision not to award any restitution to AT&T, shall
16 not provide AT&T with a basis to pursue claims against that Defendant.

17 g. AT&T will report to the Court by no later than June 1, 2024 regarding the current
18 status of all federal criminal investigations into the Defendants and whether there are grounds
19 that would warrant allowing the case to remain open.
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1 DATED: December 15, 2023

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4 Jamal N. Whitehead
5 United States District Judge

6 Presented by:

7 /s/ David A. Bateman
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14 David L. Balser, Georgia Bar No.
15 035835
16 *(pro hac vice application*
17 *forthcoming)*
18 Lawrence A. Slovensky, GA Bar No.
19 653005
20 *(pro hac vice application*
21 *forthcoming)*
22 Edward A. Bedard, GA Bar No.
23 926148
24 *(pro hac vice application*
25 *forthcoming)*

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